



32692

PATENT TRADEMARK OFFICE

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Patent  
Case No.: 54567US013O I P E  
DEC 11 2002  
PATENT & TRADEMARK OFFICE  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: VON JAKUSCH, EGBERT A.

Application No.: 09/856416

Group Art Unit: Unknown

Filed: May 18, 2001

Examiner: Unknown

Title: NON-WOVEN ADHESIVE TAPE FOR THE MANUFACTURING  
OF A DIAPER CLOSURE SYSTEM

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PETITION TO REVIVE UNDER 37 CFR §1.137Commissioner for Patents  
Washington, DC 20231

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on:

December 6, 2002  
DateCheryl L. Schmitz  
Signed by: Cheryl L. Schmitz

Dear Sir:

In response to the Notice of Abandonment Under 37 CFR §1.53(f) or (g) mailed November 22, 2002, Applicants submit the following.

Applicants submitted the above-captioned patent application on May 18, 2001 without an executed Declaration. Applicants received the return postcard indicating the receipt of the application by the U.S. Patent and Trademark Office (copy attached). To date, Applicants have not received the Filing Receipt for this application and Applicants anticipated receiving a Notice to File Missing Parts of Application in due course.

Applicants submitted a Status Inquiry mailed November 12, 2002. Applicants received the return postcard indicating receipt of this inquiry at the Patent Office on November 19, 2002. However, neither the Filing Receipt nor Notice to File Missing Parts was received by Applicants.

On December 2, 2002, Applicants received the Notice of Abandonment Under 37 CFR §1.53(f) or (g) mailed November 22, 2002. The Notice indicate that the application had become abandoned for failure to respond to the Notice to File Missing Parts mailed June 27, 2001 (copy attached). However, Applicants have no record of receiving the Notice to File Missing Parts dated June 27, 2001.

12/13/2002 CNGUYEN 00000107 133723 09856416

01 FC:1460 130.00 CH

Enclosed please find the executed Declaration, Power of Attorney and Petition, as well as a copy of the Notice of Abandonment. Affidavits of Sandra R. Dickman and Cheryl L. Schmitz are also enclosed in support of this Request. These Affidavits indicates the procedures used to handle and docket incoming items from the U.S. Patent and Trademark Office and that no Notice to File Missing Parts was received relative to this case.

Applicants respectfully request the Patent and Trademark Office to revive the application as unintentional and to issue the Notice to File Missing Parts of Application. Please charge Deposit Account No. 13-3723 in the amount of \$130.00 for the fee under 37 CFR §1.17(i) in filing this Petition. Please charge any additional fees or credit any overpayment to Deposit Account No. 13-3723.

Respectfully submitted,

December 6, 2002  
Date

By:   
William J. Bond, Reg. No.: 32,400  
Telephone No.: 651-736-4790

Office of Intellectual Property Counsel  
3M Innovative Properties Company  
Facsimile No.: 651-736-3833

DOCKET NO.: 54567USA1A.013

Application Of: Egbert von JAKUSCH et al.  
Title: NON-WOVEN ADHESIVE TAPE FOR THE  
MANUFACTURING OF A DIAPER CLOSURE SYTEM

- ENCLOSURES: Transmittal Letter to the U.S. Designated/Elected  
Office Concerning a Filing Under 35 USC 371; Copy of PCT  
Published Application No. WO 00/31203; Copy of Request;  
Information Disclosure Statement; PTO Form-1449 and Copies of  
References

Deposit Acct Amount: \$1100 (Filing Fee)

Attorney (initials): WJB/cls

Express Mail No.: EL597089126US

Date Mailed: May 18, 2001

DOCKET NO.: 54567USA1A.013

09/856416

Application Of: Egbert von JAKUSCH et al.  
Title: NON-WOVEN ADHESIVE TAPE FOR THE  
MANUFACTURING OF A DIAPER CLOSURE SYTEM

- ENCLOSURES: Transmittal Letter to the U.S. Designated/Elected  
Office Concerning a Filing Under 35 USC 371; Copy of PCT  
Published Application No. WO 00/31203; Copy of Request;  
Information Disclosure Statement; PTO Form-1449 and Copies of  
References

Deposit Acct Amount: \$1100 (Filing Fee)

Attorney (initials): WJB/cls

Express Mail No.: EL597089126US

Date Mailed: May 18, 2001

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JC19 Rec'd PCT/PTO 18 MAY 2001

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DOCKET NO.: 54567US013

First Named Inventor: Egbert A. von Jakusch

Serial No.: 09/856,416

Filed: May 18, 2001

Title: NON-WOVEN ADHESIVE TAPE FOR THE  
MANUFACTURING OF A DIAPER CLOSURE SYSTEM

ENCLOSURES: Status Inquiry

Attorney (initials): WJB/clis

Date Mailed: November 12, 2002

stract

DOCKET NO.: 54567US013

First Named Inventor: Egbert A. von Jakusch

Serial No.: 09/856,416

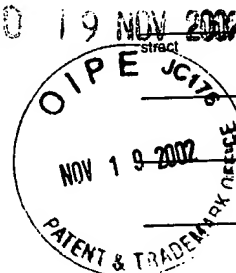
Filed: May 18, 2001

Title: NON-WOVEN ADHESIVE TAPE FOR THE  
MANUFACTURING OF A DIAPER CLOSURE SYSTEM

ENCLOSURES: Status Inquiry

Attorney (initials): WJB/clis

Date Mailed: November 12, 2002



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Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/856,416		Von Jakusch	54567USA1A.013

Office of Intellectual Property Counsel  
3M Innovative Properties Company  
P O Box 33427  
St Paul, MN 55133-3427

CONFIRMATION NO. 7900

**ABANDONMENT/TERMINATION  
LETTER**



\*OC000000009146680\*

Date Mailed: 11/22/2002

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 06/27/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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**OFFICE OF PETITIONS**



32692

PATENT TRADEMARK OFFICE

Patent  
Case No.: 54567US013



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: VON JAKUSCH, EGBERT A.  
Application No.: 09/856416      Group Art Unit: Unknown  
Filed: May 18, 2001      Examiner: Unknown  
Title: NON-WOVEN ADHESIVE TAPE FOR THE MANUFACTURING  
OF A DIAPER CLOSURE SYSTEM

**AFFIDAVIT OF SANDRA R. DICKMAN IN SUPPORT OF PETITION TO  
REVIVE UNAVOIDABLY ABANDONED APPLICATION**

State of Minnesota    )  
                                  ) ss.  
County of Ramsey    )

I, Sandra R. Dickman, of Woodbury, Minnesota, being duly sworn, depose and say as follows:

1. My present position is U.S. Docket and Information Coordinator in the Office of Intellectual Property Counsel (OIPC), 3M Innovative Properties Company, and I have been in the position for 5½ years.

2. As U.S. Docket and Information Coordinator, part of my job is to enter docket action due dates on the 3M Innovative Properties Company computerized docket system for papers due in the U.S. Patent and Trademark Office.

3. The current docketing procedures for incoming mail are as follows:

a) All US mail is opened by the mail clerk, stamped by the mail clerk with the date received, and forwarded to docketing personnel.

b) Mail from the US Patent and Trademark Office is reviewed by docketing personnel to identify what type of document it is and the appropriate procedure for handling that type of document.

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c) Mail from the US Patent and Trademark Office is looked up on the office database using the file identification number which is the docket number.

d) The appropriate docket due dates are entered onto the database with the date and the Action required.

e) Docketing personnel then writes any docket dates and the initials of the attorney assigned to the corresponding application onto the document and adds their initials to indicate which person handled the document.

f) The docketed correspondence from the US Patent and Trademark Office is then distributed into the appropriate attorney mailslot in the mail room by the docketing personnel.

g) Upon completing an action, a copy of the completed action is sent to docketing personnel indicating that the docket item was completed.


h) The docketed item is then stamped, initialed, and returned to the attorney assigned to the application.

i) A computer printout of each attorney docket is printed every 2 weeks by the attorney/support staff team. The docket is generated by the computer based on an item having a "due date" and an "action required".

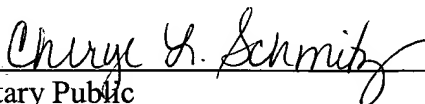
4. According to my records, no Notice to File Missing Parts was ever received in our file 54567US013 (corresponding to U.S. Serial No. 09/856,416). Therefore, this docket item never was listed on the Attorney's docket.

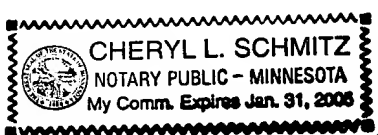
5. I was trained by the previous US Docket and Information Coordinator daily for approximately 1 month before I independently handled this position 5½ years.

Further Affiant sayeth not.

  
Sandra R. Dickman

Sworn to and subscribed before me  
this 5<sup>th</sup> day of December, 2002.

  
Notary Public



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Thursday, December 05, 2002

# Prosecution History

Page: 1

Case Number	Country	Attorney	Date Due	Reason for Date/Indicator	Action Type	Application Number	Filing Date	Status
54567US013	US	WJB	19-Jul-2000	FILE PCT & US NATIONAL STAGE A	FILE PCT & US NATIONAL STAGE A	09/856416	18-May-2001	Pending
				Due Date				
				Date Taken: 20-Jul-2000				
54567US013	US	WJB	18-May-2001	ORG APPLICATION MAILED (EXP)(P)	ORG APPLICATION MAILED (EXP)(P)	09/856416	18-May-2001	Pending
				Due Date				
				Date Taken: 18-May-2001				
54567US013	US	WJB	19-May-2001	FILE US NATIONAL STAGE APPLICA	FILE US NATIONAL STAGE APPLICA	09/856416	18-May-2001	Pending
				Due Date				
				Date Taken: 18-May-2001				
54567US013	US	WJB	14-Jun-2001	SUBMIT TAI9A.012 CITED ART	SUBMIT TAI9A.012 CITED ART	09/856416	18-May-2001	Pending
				Due Date				
				Date Taken: 18-May-2001				
54567US013	US	WJB	18-Aug-2001	Information Disclosure Stmt	Information Disclosure Stmt	09/856416	18-May-2001	Pending
				Due Date				
				Date Taken: 18-May-2001				
54567US013	US	WJB	18-Nov-2001	Information Dis Follow Up Date	Information Disclosure Stmt	09/856416	18-May-2001	Pending
				Due Date				
				Date Taken: 18-May-2001				

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Thursday, December 05, 2002

## Prosecution History

Page: 2

Case Number	Country	Attorney	Date Due	Reason for Date/ Indicator	Action Type	Application Number	Filing Date	Status
54567US013	US	WJB	19-Jun-2002	No Action in 1 Year Due Date	US Status Check	09/856416	18-May-2001	Pending
Date Taken: 10-Jun-2002								
54567US013	US	WJB	10-Oct-2002	Submit Cited Art - EP - 1 Mo.	EP Cited Art	09/856416	18-May-2001	Pending
Reminder								
Resp. Sent Dat 25-Sep-2002 Date Taken: 25-Sep-2002								
54567US013	US	WJB	10-Dec-2002	Submit Cited Art - EP - 3 Mo.	EP Cited Art	09/856416	18-May-2001	Pending
Due Date								
Resp. Sent Dat 25-Sep-2002 Date Taken: 25-Sep-2002								
54567US013	US	WJB	22-Dec-2002	Petition to Revive? Due Date	US Notice of Abandonment	09/856416	18-May-2001	Pending



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PATENT TRADEMARK OFFICE



Patent  
Case No.: 54567US013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: VON JAKUSCH, EGBERT A.  
Application No.: 09/856416                      Group Art Unit: Unknown  
Filed: May 18, 2001                      Examiner: Unknown  
Title: NON-WOVEN ADHESIVE TAPE FOR THE MANUFACTURING  
OF A DIAPER CLOSURE SYSTEM

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**AFFIDAVIT OF CHERYL L. SCHMITZ IN SUPPORT OF PETITION TO REVIVE  
UNAVOIDABLY ABANDONED APPLICATION**

State of Minnesota    )  
                                  ) ss.  
County of Ramsey    )

I, Cheryl L. Schmitz, of New Richmond, Wisconsin, being duly sworn, depose and say as follows:

1.     My present position with the Office of Intellectual Property Counsel (OIPC), 3M Innovative Properties Company, is Senior Intellectual Property Assistant I. I have been in this position for 5 1/2 years. I have worked in the area of intellectual property for a total of 17 years.

2.     In the normal course of my daily routine, I go into the mailroom twice daily to pick up the mail. I review the mail for any incoming docketed items and note the due date. I then locate the proper corresponding file.

3.     After a file is located, I then indicate the type of correspondence received from the Patent and Trademark Office on the front cover of 3M's prosecution file, as well as the date the correspondence was mailed. A copy of the prosecution file cover is attached for U.S. Serial No. 09/856,416.

4. I review the attorney docket on a daily basis and double check all dates with the master attorney docket. In my years of experience, I did not think it unusual not to receive any communication from the Patent and Trademark Office in this time frame due to previous backlogs indicated at the Patent and Trademark Office. According to our records, a Notice to File Missing Parts was never received corresponding to this application. The first communication from the Patent and Trademark Office with respect to this application was the Notice of Abandonment mailed November 22, 2002.

Further Affiant sayeth not.

Cheryl L. Schmitz  
Cheryl L. Schmitz

Sworn to and subscribed before me  
this 6<sup>th</sup> day of December, 2002.

Theresa C. To  
Notary Public



**Office of Intellectual Property Counsel**  
**3M Center P. O. Box 33427 St. Paul, MN. 55133**

File No: 54567USA1A.013

JUNG, DIETER

Filed: 5-18-01

# NON-WOVEN ADHESIVE TAPE FOR THE MANUFACTURING OF A DIAPER CLOSURE SYSTEM

Assignment Recorded:

Reel/Frame:

Patent No. \_\_\_\_\_ Issue Date \_\_\_\_\_

**Related Cases:**